

REMARKS

Claims 1-8 remain in the application, with claims 1-3 and 5-7 having been amended hereby.

The claims have been carefully reviewed and amended with particular attention to the points raised in the Office Action. It is submitted that no new matter has been added and no new issues have been raised by the present response.

Reconsideration is respectfully requested of the objection to claim 1 as allegedly containing informalities.

The Office Action states that independent claim 1 should be amended to state that the internal memory is contained within the recording medium (see Office Action, p. 2, lns. 4-15).

It is respectfully submitted, however, that the internal memory containing the control table is not contained within the recording medium. As stated in the specification of the present disclosure "[a]t least one control table 24T such as shown in Fig. 3 is provided in the HDD 24" (see specification of the present application, p. 5, lns. 3-4).

Referring to Fig. 1, the HDD (hard disk drive) is illustrated as element 24, while the CD (compact disk) is illustrated as element 10.

Independent claim 1 has been amended hereby to further clarify this structure.

Withdrawal of the objection to claim 1 is respectfully requested.

Reconsideration is respectfully requested of the

rejection of claims 5 and 6 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 5 and 6 have been amended in accordance with the comments of the Office Action.

Withdrawal of the rejection of claims 5 and 6 under 35 U.S.C. § 112, second paragraph, is respectfully requested.

Reconsideration is respectfully requested of the rejection of claim 1 under 35 U.S.C. § 102(e), as allegedly being anticipated by U.S. Patent No. 6, 075,920 (Kawamura et al.).

Applicant has carefully considered the comments of the Office Action and the cited reference, and respectfully submits that claim 1 is patentably distinct over the cited reference for at least the following reasons.

The present invention relates to an apparatus including reproduction means to play digital data from a recording medium recorded with that digital data and retrieval information, and recording means to write the digital data reproduced by the reproduction means and record the retrieval information on a control table. The apparatus further includes a control circuit to search the control table by using the retrieval information when the digital data are written by the recording means, to permit the writing of digital data when the retrieval information is not recorded on the control table, to prohibit the writing of digital data

when the retrieval information is already recorded on the control table, and to prevent duplicate copying of the digital data with the recording means.

Kawamura et al., as understood by Applicant, relates to a method and apparatus for recording/reproducing data and subcode information onto and from a recording medium. Additional information for data reproduction is recorded in each sector on a data reproducing medium as a subcode. The additional information is recorded separately from data when the data are recorded in the sector. Reproduction of data can be controlled using the subcode, allowing improvement of availability of the data recording medium.

The Office Action states that Kawamura et al. discloses, inter alia, a recording apparatus including a control circuit for prohibiting writing of the digital data recorded on the recording medium when the retrieval information is already recorded on the control table (see Office Action, p. 5, lns. 11-16). Furthermore, the Office Action states that the prohibition is performed based upon the presentation of a copyright subcode (see id.). Applicant respectfully disagrees.

The Office Action cites Figs. 2, 19, and 20 of Kawamura et al. as allegedly disclosing the above-identified elements (see id.).

As understood by Applicant, Fig. 2 of Kawamura et al. is a block diagram showing the configuration of an embodiment of a data reproducing apparatus (see Kawamura et al., col. 4,

lns. 1-3). Fig. 19 of Kawamura et al., as understood by Applicant, shows a table showing the contents of copyright information added as the subcode, and Fig. 20 is a table showing the contents of a duplication code field in Fig. 19 (see id., col. 3, lns. 48-51).

As understood by Applicant, the data recording medium of Kawamura et al. is divided into sectors, with a four-bit synchronization pattern being placed at the head of each sector and a two-byte CRC (Cyclic Redundancy Check) code being calculated and added subsequent to the synchronization pattern. The 14-byte subcode is added subsequent to the CRC code, and includes a variety of identification information on user data (see id., col. 5, 13-40).

The subcode of Kawamura et al. is generated as additional information for data reproduction in each sector separately from data recorded in the sector, and is recorded with the data in each sector (see id., col. 3, lns. 19-29). In the data reproducing apparatus, the subcode data is extracted from each one-sector portion of the data (see id., col. 12, lns. 34-40) and is decomposed by a demultiplexer (see id., lns. 60-64).

The subcode may be formatted to include copyright management information (see id., col. 6, ln. 66 to col. 7, ln. 5). The copyright information indicates attributes with respect to duplication of user data in an associated sector with a two-bit duplication code (see id., col. 7, lns. 6-11). The attributes include "Duplication Permitted," "Duplication

Once Permitted," and "Duplication Prohibited" (see id.).

The control unit may refer to the copyright management information to issue output enable or disable commands for the respective digital and analog output terminals for video and audio signals (see id., col. 14, lns. 41-53).

That is, as understood by Applicant, the subcode information is recorded in each respective data sector, and may contain copyright management information that instructs the control unit to enable or disable output from respective output terminals.

In contrast, in the present invention the reproduction means reproduces the digital data from a recording medium recorded with the digital data and with retrieval information, the recording means writes the retrieval information on a control table in an internal memory of the apparatus, and a control circuit searches the control table by using the retrieval information, permitting or prohibiting the writing of the digital data into the internal memory depending upon whether the retrieval information is already recorded in the control table, as recited in amended independent claim 1.

This structure allows for prevention of mistaken duplicate recording of the digital data and for preservation of memory capacity of the internal memory.

It is respectfully submitted that Kawamura et al. does not disclose or suggest a recording apparatus comprising reproduction means to reproduce digital data from a recording medium recorded with the digital data and with retrieval

information, recording means for writing the reproduced digital data and the retrieval information on a control table in an internal memory of the apparatus, and a control circuit for searching the control table by using the retrieval information when the digital data from the reproduction means is written by said recording means, for permitting the writing of the recorded digital data into the internal memory when the retrieval information is not already recorded in the control table, and for prohibiting the writing of the recorded digital data into the internal memory when the retrieval information is already recorded on the control table, as described above and as recited in amended independent claim 1.

Accordingly, for at least the above-stated reasons, it is respectfully submitted that amended independent claim 1 and the claims depending therefrom are patentable over the cited reference.

Withdrawal of the rejection under 35 U.S.C. § 102(e) is respectfully requested.

Reconsideration is respectfully requested of the rejection of claims 2-6 under 35 U.S.C. § 103(a), as allegedly being unpatentable over Kawamura et al. in view of U.S. Patent No. 5,581,740 (Jones) and further in view of U.S. Patent No. 5,943,311 (Takenaka); and of the rejection of claims 7 and 8 under 35 U.S.C. § 103(a), as allegedly being unpatentable over Kawamura et al. in view of Jones and Takenaka, and further in view of U.S. Patent No. 6,011,761 (Inoue).

Applicant has carefully considered the comments of the

Office Action and the cited reference, and respectfully submits that claims 2-8 are patentably distinct over the cited references for at least the following reasons.

In support of the rejection of claim 2, the Office Action sets forth statements regarding the control table and control circuit that are substantially identical to those set forth in the rejection of amended independent claim 1 above (see Office Action, p. 7, lns. 5-18).

It is respectfully submitted that for at least the reasons set forth above, Kawamura et al. does not disclose or suggest a drive device that reproduces digital audio data from a recording medium, a hard disk drive device written with the reproduced digital audio data, a control table containing retrieval information for the recording medium, and a control circuit that searches the control table by using the retrieval information and that permits or prohibits the writing of the recorded digital audio data depending upon whether the retrieval information is recorded in the control table, as recited in amended independent claim 2.

The Office Action cites Jones as allegedly disclosing use of a hard disk drive as a recording medium, and Takenaka as allegedly disclosing use of a display means that displays information indicating prohibition of writing (see id., p. 8, lns. 15-20).

Regarding the rejection of claims 7-8, the Office Action further cites Inoue as allegedly disclosing ejecting the recording medium from the drive device (see id., p. 10, lns.

9-10).

Jones, as understood by Applicant, relates to a system for reading CD-ROM data from hard disks. A CD-ROM server comprises a CD-ROM drive and an array of hard disk drives. The system includes means for copying data from the CD-ROM drive to the array of hard disk drives and for deleting data from the array of hard disk drives, upon receipt of copy and delete requests from a host computer system. The system further includes means for the host computer to read data from the array of hard disk drives in the CD-ROM format that the data had been stored in on the CD-ROM. Means are also included to implement RAID technology with the array of hard disk drives for data reconstruction, striping, and redundancy. Means may be provided for the host computer to communicate directly with SCSI devices connected to the server.

Takenaka, as understood by Applicant, relates to an information recording and reproducing apparatus for reproducing record information. The information includes character information and main information, and is reproduced from a first record medium and recorded onto a second record medium. The apparatus includes a reading device for reading the character information and the main information from the first record medium, a memory device for storing the character information read by the reading device, a recording device for recording the main information onto the second record medium, and a control device for controlling the recording device to record the character information stored in the memory device

onto the second record medium after the reading device has finished reading the main information from the first record medium and the recording device has finished recording the main information onto the second record medium.

Inoue, as understood by Applicant, relates to a transmission system for transmitting compressed audio data selected by a user from compressed audio data stored in a server to a remote client. If the state of the recording medium loaded on the client side is normal and/or money deposited on the client side is sufficient to permit charging the user, the selected compressed audio data starts to be transmitted from the server. If the state of the recording medium loaded on the client side is not normal and/or the money deposited on the client side is insufficient to permit charging the user, transmission of the selected compressed audio data from the server is inhibited.

It is respectfully submitted, however, that neither Jones nor Takenaka nor Inoue, alone or in combination, disclose or suggest a drive device that reproduces digital audio data from a recording medium, a hard disk drive device written with the reproduced digital audio data, a control table containing retrieval information for the recording medium, and a control circuit that searches the control table by using the retrieval information and that permits or prohibits the writing of the recorded digital audio data depending upon whether the retrieval information is recorded in the control table, as described above and as recited in amended independent claim 2.

It is therefore respectfully submitted that neither Jones nor Takenaka nor Inoue, alone or in combination with each other or with Kawamura et al., disclose or suggest a recording apparatus comprising a drive device to reproduce digital audio data from a recording medium recorded with the digital audio data, a hard disk drive device written with the digital audio data reproduced from the recording medium by the drive device, a control table containing retrieval information for the recording medium written with the digital audio data in the hard disk drive device from among a plurality of recording mediums, and a control circuit to search the control table by using the retrieval information when the digital data from the reproduction means are written by the recording means, to permit the writing of digital audio data recorded on the recording medium with said recording means when the retrieval information is not recorded in said control table, and to prohibit the writing of digital audio data recorded on the recording medium with the recording means when the retrieval information is already recorded on the control table, as recited in amended independent claim 2.

Accordingly, for at least the above-stated reasons, it is respectfully submitted that amended independent claim 2 and the claims depending therefrom are patentable over the cited references.

Furthermore, it is respectfully submitted that there is no motivation in the cited references to combine the elements in the manner suggested in the Office Action.

Withdrawal of the rejections under 35 U.S.C. § 103(a) is respectfully requested.

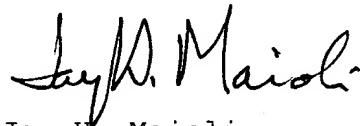
Should the Examiner disagree, it is respectfully requested that the Examiner specify where in the cited document there is a basis for such disagreement.

The prior art made of record and not relied upon has been reviewed but is not seen to disclose or suggest the present invention as reflected in the amended claims.

The Office is hereby authorized to charge any fees which may be required in connection with this amendment and to credit any overpayment to Deposit Account No. 03-3125.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,
COOPER & DUNHAM, LLP



Jay H. Maioli
Reg. No. 27,213

JHM/AVF